FORTY-EIGHTH DAY

WEDNESDAY, APRIL 9, 1997

PROCEEDINGS

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Jimmy L. Strait, Mesquite, offered the invocation as follows:

Heavenly Father, I thank You for the fact that Jesus paid the price for our sins by dying on the cross and was raised from the dead, and all we have to do to receive eternal life is to repent and believe on the name of Jesus Christ. I pray that You will pour out Your blessings upon all the Senators represented here today. I pray for Your guidance and wisdom as they conduct the business of our state in this historic room.

I pray for Lieutenant Governor Bullock as he presides. Give him the wisdom and courage to lead this assembly in a manner that will instill continuing integrity as he has exhibited in the past.

I pray that political differences and partiality will be put aside and a true sense of accord will be expressed. I pray for Governor Bush, that You will give him wisdom and the continuing awareness of Your presence as he leads our state.

Lastly, I pray for the families of the Members, that You would continually watch over them and keep them safe and comfort them in a special way, as they are sacrificing as much by staying home as the Members are by being here. I thank You for the opportunity to stand in this awesome room before the elected Senators of this Lone Star State to voice this prayer.

In Jesus' name I pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 367

On motion of Senator Brown and by unanimous consent, Senator Whitmire will be shown as Co-author of SB 367.

CO-AUTHOR OF SENATE BILL 1055

On motion of Senator Haywood and by unanimous consent, Senator Bivins will be shown as Co-author of SB 1055.

CO-AUTHOR OF SENATE BILL 1248

On motion of Senator Madla and by unanimous consent, Senator Moncrief will be shown as Co-author of SB 1248.

CO-AUTHORS OF SENATE BILL 1512

On motion of Senator Truan and by unanimous consent, Senators Lucio and Shapleigh will be shown as Co-authors of SB 1512.

CO-AUTHOR OF SENATE BILL 1564

On motion of Senator Wentworth and by unanimous consent, Senator Lucio will be shown as Co-author of SB 1564.

CO-AUTHOR OF SENATE BILL 1778

On motion of Senator Shapleigh and by unanimous consent, Senator Moncrief will be shown as Co-author of SB 1778.

CO-AUTHOR OF SENATE BILL 1779

On motion of Senator Shapleigh and by unanimous consent, Senator Moncrief will be shown as Co-author of SB 1779.

CO-AUTHOR OF SENATE BILL 1810

On motion of Senator Barrientos and by unanimous consent, Senator Brown will be shown as Co-author of SB 1810.

CO-AUTHOR OF SENATE JOINT RESOLUTION 41

On motion of Senator Wentworth and by unanimous consent, Senator Lucio will be shown as Co-author of SJR 41.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: SB 504

CAPITOL PHYSICIAN

Senator Lindsay was recognized and presented Dr. Robert M. Battle of Houston as the "Doctor for the Day."

The Senate welcomed Dr. Battle and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate the Copperas Cove High School Bulldogs Cheerleaders accompanied by Judy Merriweather.

The Senate welcomed its guests.

(Senator Truan in Chair)

SENATE CONCURRENT RESOLUTION 65

Senator Patterson offered the following resolution:

WHEREAS, The Legislature of the State of Texas is proud to honor our nation's former prisoners of war by recognizing Wednesday, April 9, 1997, as Former Prisoners of War Recognition Day; and

WHEREAS, Former Prisoners of War Recognition Day is an opportunity for former prisoners of war across the country to express their continued support for one another and for citizens to show their loyal support for the brave men and women who endured suffering and tribulation during their capture and imprisonment; and

WHEREAS, During World War II alone, 129,635 United States military personnel and 18,745 civilians were captured and interned by the Nazis and by the Japanese; and

WHEREAS, It is a grateful nation that reflects upon our nation's history and recognizes the extreme sacrifices made by all who have served in the armed forces and by those patriotic citizens who were captured during conflict; and

WHEREAS, It is fitting that the Texas Legislature honor former prisoners of war for the love they have demonstrated for our country and for the extraordinary valor, loyalty, and perseverance they exhibited during their internment; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby encourage all Texans to observe Former Prisoners of War Recognition Day on April 9, 1997; and, be it further

RESOLVED, That a copy of this resolution be prepared in honor of all former prisoners of war as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Patterson and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

(President in Chair)

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate a delegation of former prisoners of war.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Moncrief was recognized and introduced to the Senate a group of Tarrant County Junior College Political Science students.

The Senate welcomed its guests.

(Senator Truan in Chair) SENATE RESOLUTION 473

Senator Moncrief offered the following resolution:

WHEREAS, The State of Texas is home to nearly 12 percent of the Lockheed Martin Corporation's workforce in the United States; and

WHEREAS, Lockheed Martin Corporation helps fuel the engines of economic growth in the State of Texas, operating 49 facilities and employing 21,000 people throughout the state; and

WHEREAS, Lockheed Martin is an integral member of the Texas business community with a statewide payroll of more than \$1 billion; and

WHEREAS, Lockheed Martin's business operations generate \$2.5 billion in business for nearly 1,800 Texas subcontractors and vendors, including \$400 million for 200 small, minority-owned or women-owned Texas businesses; and

WHEREAS, Lockheed Martin is an outstanding corporate citizen of the State of Texas, contributing more than \$2 million annually in charitable donations plus countless hours of employee volunteer time to state and local educational, cultural, and service organizations throughout the state; and

WHEREAS, Lockheed Martin's Texas companies set the standard for excellence in aircraft, missiles, spacecraft, space operations and launch vehicles, information systems, environmental remediation, logistics management, training and technical services, and state and local government services; and

WHEREAS, The mid-section of the F-22 aircraft, the air dominance fighter for the 21st century, is manufactured at Lockheed Martin Tactical Aircraft Systems in Fort Worth and the F-22 provides 2,000 jobs for Texans now and in the next four years; and

WHEREAS, The official roll-out of the F-22 is set for April 9, 1997; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby designate April 9, 1997, as Lockheed Martin Day.

MONCRIEF HARRIS

The resolution was read.

On motion of Senator Cain and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moncrief, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Moncrief was recognized and introduced to the Senate a delegation from the Lockheed Martin Corporation.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 259 ON SECOND READING

Senator Moncrief asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

CSSB 259, Relating to the regulation of roofing contractors; providing penalties.

There was objection.

Senator Moncrief then moved to suspend the regular order of business and take up CSSB 259 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Barrientos, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Nelson, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire.

Nays: Bivins, Galloway, Lindsay, Nixon, Ogden, Zaffirini.

Absent: Armbrister, Brown.

CSSB 259 was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 259 by striking all below the enacting clause and substituting the following:

SECTION 1. SHORT TITLE. This Act may be cited as the "Roofing Contractors Licensing Law."

SECTION 2. DEFINITIONS. In this Act:

- (1) "Advisory board" means the Roofing Contractors Advisory Board.
- (2) "Commercial roofing" means the exterior roof, cover, or skin of the roof assembly consisting of membrane, metal panels, sheets, shingles, tiles, slate, and other materials on any building or structure other than buildings or structures listed in Subdivision (8) of this section.
- (3) "Commission" means the Texas Commission of Licensing and Regulation.

- (4) "Commissioner" means the commissioner of licensing and regulation.
- (5) "Mechanical integrity" means physical installation of products, systems, or equipment in accordance with their intended purpose and according to industry standards at least as strict as the roofing manufacturers' specifications.
- (6) "Person" means an individual, corporation, organization, business trust, estate, trust, partnership, association, and any other legal entity.
- (7) "Qualifying party" means a person who possesses all the necessary qualifications and who is a principal of a company licensed under this Act.
- (8) "Residential roofing" means any material applied to the exterior roof framing (wood or steel) on single-family homes, duplexes, or quadplexes.
- (9) "Roofing contracting" means performing or offering to perform the design, installation, construction, maintenance, service, repair, alteration, or modification of a product or of equipment in roofs.
- (10) "Roofing contracting company" or "company" means any person, corporation, partnership, association, or other entity that performs roofing contracting.
- SECTION 3. POWERS AND DUTIES OF COMMISSIONER. (a) The commissioner shall adopt rules for the practice of roofing contracting consistent with this Act. The standards prescribed by rule must be substantially the same as the standards set forth in the roofing manufacturers' standard requirements. The commissioner shall enforce this Act and may adopt rules relating to enforcement requirements.
- (b) The commissioner may issue an emergency order as necessary to enforce this Act if the commissioner determines that an emergency exists or formerly existed requiring immediate temporary action to protect the public health and safety or to protect damaged property. The order may be issued without notice and hearing or with such notice and hearing as the commissioner considers practicable under the circumstances. If an emergency order is issued under this subsection without a hearing, the commissioner shall set the time and place for a hearing to affirm, modify, or set aside the emergency order. The commission may issue cease and desist orders.
- (c) The commissioner shall prescribe application forms for original and renewal licenses and the design of the licenses.
- (d) The commissioner shall prescribe the method and content of examinations administered under this Act and shall set compliance requirements for the examinations. The examination shall be offered at least quarterly at various locations around the state as determined by the commission.
- (e) The commissioner shall enforce insurance requirements for persons licensed under this Act.
- (f) The commission may employ the personnel necessary to implement this Act. The commission shall contract with at least two full-time roofing contractors to serve as test examiners.

- (g) The commissioner may authorize necessary disbursements to implement this Act, including office expenses, costs of equipment, and other necessary facilities.
- (h) The commission shall publish annually a directory of the persons licensed under this Act. The commission may sell the directory on payment of a reasonable fee set by the commission. The fees collected under this subsection shall be appropriated to the commission for use in the administration of this Act.
- (i) The commission may contract with another state agency or with a political subdivision of the state for the enforcement of this Act and the rules adopted by the commissioner under this Act.
- (j) The commissioner shall adopt rules that require a license holder to obtain a permit from an approved landfill to dispose of roofing materials. Rules adopted under this subsection shall include a requirement that a license holder maintain a record for each disposal of roofing materials by the license holder.

SECTION 4. ADVISORY BOARD. (a) The Roofing Contractors Advisory Board is created to advise the commissioner in adopting rules, method, and content of examination and enforcing and administering this Act and to advise the commission in setting fees.

- (b) The advisory board is composed of six members appointed by the commissioner who are experienced in the design, installation, construction, maintenance, service, repair, alteration, or modification of roofing systems. Members of the advisory board shall hold office for staggered terms of six years, with two terms expiring on February 1 of each odd-numbered year.
- (c) The commissioner shall appoint the advisory board members as follows:
- (1) three members must be full-time licensed roofing contractors as follows:
 - (A) one member must hold a commercial license;
 - (B) one member must hold a residential license; and
- (C) one member must hold a commercial and a residential license; and
 - (2) three shall be public members.
- (d) For the members appointed under Subsection (c)(1) of this section, at least one member must practice in a municipality with a population of 250,000 or more and at least one member must practice in a municipality with a population of less than 250,000. For the purposes of this subsection, "population" means the population according to the most recent federal decennial census.
- (e) The commissioner shall designate one member of the advisory board to serve as chairman. The commissioner or the commissioner's designee shall serve as an ex officio, nonvoting member of the advisory board. On the resignation, death, suspension, or incapacity of any member, the commissioner shall fill the vacancy for the remainder of the unexpired term with an individual who represents the same category with which the predecessor was identified.

- (f) The advisory board shall meet at least every six months and may meet at other times at the call of the chairman. The advisory board shall meet at a place designated by the board within the State of Texas. A decision of the advisory board is not effective unless it receives the affirmative vote of at least a majority of the members present.
 - (g) The advisory board members serve without compensation.
- SECTION 5. LICENSE REQUIRED. (a) Unless the person is exempted under Section 14 of this Act, a person or company may not perform roofing contracting without a license under this Act.
- (b) A roofing contracting company that is not exempt under this Act must employ a license holder, or license holders, whose license is assigned to that company.
- (c) A representative of the commission or a municipal official may issue a citation to a person who performs roofing contracting without a license issued under this Act.
- (d) A license issued under this Act is valid throughout the state, and the holder and persons under the holder's supervision are not required to hold a municipal license to practice roofing contracting in any municipality within this state.
- SECTION 6. ROOFING CONTRACTOR LICENSES. (a) The roofing contracting company shall be the license holder and shall comply with all the requirements of this Act, with a principal of the company being the qualifying party meeting all the requirements of this Act. Roofing contractor licenses are of the following three classes and entitle the licensee to perform the following services, respectively:
- (1) a Class I license entitles the licensee to perform commercial and residential roofing services;
- (2) a Class II license entitles the licensee to perform only commercial roofing services; and
- (3) a Class III license entitles the licensee to perform only residential roofing services.
- (b) The commissioner shall prescribe separate examinations for each class of license. For Class I licenses, the commissioner shall prescribe separate examinations for commercial and residential services.
- (c) The qualifying party that applies for a roofing contractor license must be at least 18 years old and must present to the commissioner satisfactory evidence of at least 36 months of practical experience in the preceding five years.
- (d) The application must be made on a form prescribed by the commissioner and must specify the class of license the applicant seeks. The application must be sworn to and verified and must be accompanied by:
 - (1) evidence of the insurance coverage required under this Act;
 - (2) a statement of the applicant's practical experience; and
 - (3) the examination fee.
- (e) The commissioner shall issue a roofing contractor license to a company which has a qualifying party who possesses the required qualifications, passes the appropriate examinations, and pays the examination fee and the original license fee required by this Act. An applicant who fails an examination is eligible for reexamination.

- (f) A license issued under this Act is valid for a one-year period from the date of issuance.
- (g) With the advice of the advisory board, the commissioner shall adopt rules relating to the use, display, and advertisement of a licensee's license.

SECTION 7. NOTICE OF EXAMINATION RESULTS. (a) Not later than the 45th day after the date on which an examination is administered under this Act, the commissioner shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the commissioner shall notify examinees of the results of the examination not later than the 14th day after the date on which the commissioner receives the results from the testing service.

(b) If requested in writing by a person who fails the examination, the commissioner shall furnish the person with the results of the person's performance on the examination.

SECTION 8. INSURANCE REQUIREMENT. (a) A licensed contractor shall maintain general liability insurance coverage in the following amounts:

- (1) for a Class I license, \$250,000 per occurrence, with a minimum total aggregate of \$500,000;
- (2) for a Class II license, \$250,000 per occurrence, with a minimum total aggregate of \$500,000; and
 - (3) for a Class III license, \$100,000 minimum total aggregate.
- (b) Insurance must be obtained from an admitted company or an eligible surplus lines insurer, as defined in Article 1.14-2, Insurance Code.
- (c) A license applicant or holder shall furnish to the commission a certificate of insurance. The license holder's name, business name, and address must be shown as it appears on the license. The certificate form to be submitted shall be the form furnished by the commission. Each certificate of insurance shall reflect all assumed names used by the license holder and registered with this agency. Neither binders nor interim certificates of less than 60 days will be accepted.
- (d) The certificate of insurance shall state that the insurance carrier shall notify the commission not later than the 30th day before the cancellation or nonrenewal by the insurance carrier and not later than the 10th day following nonrenewal or cancellation by the insured.
- (e) A license holder whose proof of insurance expires shall be notified by the commission that the holder has an insurance violation. Failure to furnish the required proof shall be grounds for revocation of the license in accordance with Article 9100, Revised Statutes.
- (f) A surety bond shall be posted with the commission by each licensee in the following amounts:
 - (1) \$35,000 for a Class I license;
 - (2) \$25,000 for a Class II license; and
 - (3) \$10,000 for a Class III license.

SECTION 9. CONTINUING EDUCATION PROGRAMS. The commissioner shall recognize, prepare, or administer continuing education programs for licensees. The Roofing Contractors Association of Texas shall be an education provider and shall be the approval agent of continuing education credits in these programs. Participation in the programs is mandatory. Each licensee shall be required to complete eight hours of continuing education per license year.

SECTION 10. LICENSE BY RECIPROCITY. The commissioner may waive any license requirement for an applicant or for the qualifying party of an applicant with a valid license from another state with which this state has a reciprocity agreement. A reciprocity agreement with another state may only be recognized under this section if the other state has licensing requirements that the commissioner determines are substantially equivalent to the requirements of this Act. The commissioner may not waive a license requirement under this section for an applicant or qualifying party of an applicant that does not maintain insurance coverage and does not post a surety bond of the same type and amount as required by Section 8 of this Act. The insurance coverage and surety bond must apply to work performed in this state.

SECTION 11. TEMPORARY LICENSE. (a) In the event the qualifying party becomes incapacitated and unable to serve in the normal capacity of principal of a company or is no longer available due to the dissolution of a partnership or corporation, a temporary license may be issued to another principal of the company, who then becomes the qualifying party for a period extending 30 days beyond the date of the next examination, not to exceed six months. The temporary license is not renewable, but a second temporary license may be issued if the company's qualifying party becomes unavailable in circumstances that make the company again eligible to receive a temporary license. The temporary license shall be of the same class and endorsement as the license being replaced.

(b) The commissioner may issue a temporary license under the conditions provided by Subsection (a) of this section to an applicant who applies to the commissioner on a form prescribed by the commissioner and pays the required fees.

SECTION 12. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. (a) A violation of this Act or a rule adopted under this Act is a ground for the denial, suspension, or revocation of a license issued under this Act as well as a ground for the imposition of administrative penalties as provided by Article 9100, Revised Statutes. The failure to provide proper installation consistent with the manufacturer's specifications or consistent with commonly accepted roofing practices, proper service, and mechanical integrity under this Act constitutes a violation of this Act. An intentional or knowing misrepresentation of necessary services, services to be provided, or services that have been provided constitutes a violation of this Act and a ground for the suspension or revocation of a license issued under this Act.

(b) Proceedings for the denial, suspension, or revocation of a license and appeals from those proceedings are governed by Chapter 2001, Government Code. The imposition of administrative penalties is governed by Article 9100, Revised Statutes.

SECTION 13. CONSUMER COMPLAINT INVESTIGATION. (a) The commissioner shall prepare information of consumer interest describing the functions performed by the commissioner under this Act and the rights of consumers as affected by this Act. The information must describe the procedure by which a consumer complaint is filed with and resolved by the

commissioner. The commissioner shall make the information available to the general public.

(b) The commissioner shall investigate consumer complaints filed with the commissioner. If the commissioner determines after investigation that a licensee has violated this Act or a rule adopted under this Act, the commissioner may take appropriate action under Section 12 of this Act.

SECTION 14. EXEMPTIONS. (a) This Act does not apply:

- (1) to a person who performs roofing contracting on property owned by the person;
- (2) to a person or firm that is registered as a manufacturer, retailer, or installer and regulated pursuant to the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) and that engages in roofing contracting for manufactured homes in the installation of manufactured homes or in providing retailer or manufacturer warranty services free of charge;
- (3) to new residential construction of single-family homes, duplexes, or quadplexes;
 - (4) to a person who performs roofing contracting if:
- (A) the person is a maintenance person or maintenance engineer who is a regular bona fide employee of the property owner, the property lessee, or the management company managing the property where the roofing contracting work is being performed;
- (B) the work is performed in connection with the business in which the person is employed; and
- (C) the person and the person's employee referred to in Paragraph (A) of this subdivision do not engage in the occupation of roofing contracting for the general public;
- (5) to a person who performs roofing contracting on a dwelling owned by a member of the person's family;
- (6) to a person that performs roofing contracting without a license under this Act but receives a signed disclosure statement from the owner of the property that states explicitly that the owner understands that the person performing roofing contracting on the owner's property is not a license holder under this Act;
- (7) to roofing contracting that is performed on property that is primarily for agricultural use;
- (8) to roofing contracting that is performed on property that is a portable building or a garage that is not connected to a dwelling; or
- (9) to a person who holds a license or other credential under the laws of this state who performs roofing contracting that is incidental to work performed by the person in the ordinary scope of the person's work under the license or credential.
- (b) This Act shall in no way restrict the practice of architecture or engineering by persons duly licensed in Texas to practice these professions. This Act does not affect any provision or requirement of Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), or The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes).

SECTION 15. ENFORCEMENT OF CONTRACTS. (a) A person who performs roofing contracting without holding the appropriate license under this Act may not collect a fee or otherwise enforce a contract for the services performed unless the person performing the roofing contracting is subject to the exemptions as outlined in Section 14 of this Act. To enforce a contract for the performance of roofing contracting, the person performing the services must present proof that the person or the person's company held a license under this Act at the time the contract was signed and the work is performed or must present a signed disclosure statement from the homeowner as prescribed by Section 14(a)(6) of this Act.

(b) The commissioner shall adopt rules relating to the manner in which proof may be presented under this section.

SECTION 16. OFFENSE; PENALTY. Except as provided in Section 18 of this Act, a person commits an offense if the person is a qualifying party and knowingly or intentionally engages in roofing contracting without a license issued under this Act. An offense under this section is a Class B misdemeanor.

SECTION 17. CERTAIN ADVERTISING PROHIBITED. A person may not advertise to the public that the person is engaged in the business of roofing contracting unless the person holds a license issued under this Act. A violation of this section constitutes engaging in roofing contracting without a license for purposes of Section 16 of this Act.

SECTION 18. MUNICIPAL REGULATION. A municipality may by ordinance adopt and enforce standards for roofing contractors that are consistent with the standards established under this Act. A municipality may not impose a licensing or registration fee on a roofing contractor licensed under this Act. The municipality may report a violation of this Act to the commission. If the municipality elects to report the violation, it shall do so not later than the 10th day after the date on which it discovers the violation of this Act. Conviction of an offense under the municipal ordinance is a ground for the denial, suspension, or revocation of a license issued under this Act.

SECTION 19. EXEMPTION FROM EXAMINATION FOR CERTIFIED CONTRACTORS. (a) A person who is a certified roofing contractor in good standing as tested and approved by the Roofing Contractors Association of Texas on the effective date of this Act is entitled or, if the person is a qualifying party of a company, the person's company is entitled to receive a license without examination if the contractor applies to the commissioner for the license not later than September 1, 1998, and:

- (1) registers with the commission and pays the required licensing fee;
- (2) shows evidence of insurance coverage required under Section 8 of this Act; and
- (3) submits a copy of the contractor's certification that has been attested to by the president and the executive director of the Roofing Contractors Association of Texas.
- (b) The class of a license issued under this section shall be based on the classification of certification that is currently held by the contractor and shall correspond as follows:

- (1) a certified commercial and residential roofing contractor shall receive a Class I license;
- (2) a certified commercial roofing contractor shall receive a Class II license; and
- (3) a certified residential roofing contractor shall receive a Class III license.
- (c) A roofing contractor who is issued a license under this section is subject to all other provisions of this Act, including provisions for the renewal of the roofing contractor license.

SECTION 20. TERMS OF INITIAL BOARD MEMBERS. In making the initial appointments to the advisory board, the commissioner shall designate two members for terms expiring on February 1, 1999, two members for terms expiring on February 1, 2001, and two members for terms expiring on February 1, 2003.

SECTION 21. EFFECTIVE DATE. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1997.

(b) Sections 5 and 16 of this Act take effect September 1, 1998.

SECTION 22. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

(Senator Sibley in Chair)

CSSB 259 as amended was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Brown, Cain, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Nelson, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Zaffirini.

Nays: Barrientos, Bivins, Gallegos, Galloway, Lindsay, Nixon, Ogden, Whitmire.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 259 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 259 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Zaffirini.

Nays: Bivins, Galloway, Nixon, Ogden, Whitmire.

CSSB 259 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Bivins, Ellis, Gallegos, Galloway, Lindsay, Nixon, Ogden, and Whitmire asked to be recorded as voting "Nay" on the final passage of the bill.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: HCR 38

MESSAGE FROM THE HOUSE

HOUSE CHAMBER Austin, Texas Wednesday, April 9, 1997

The Honorable President of the Senate Senate Chamber Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 157, Relating to the penalty for tampering with certain governmental records.

HB 614, Relating to the jurisdiction of justice courts.

HB 622, Relating to educational requirements for certain court clerks and personnel.

HB 834, Relating to the delay of certain payments or transfers from the general revenue fund.

HB 1016, Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.

HB 1092, Relating to missing children and other missing persons.

HB 1113, Relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

HB 1288, Relating to the disposal of abandoned aircraft by a municipality.

HB 1300, Relating to the provision of certain software to persons who access the Internet; providing a civil penalty.

HB 1386, Relating to the continuation and the functions of the Board of Pardons and Paroles.

HB 1387, Relating to the continuation and functions of the Automobile Theft Prevention Authority.

HB 1406, Relating to collection by water and sewer utilities of voluntary contributions on behalf of certain emergency services.

HB 1520, Relating to the protection and use of certain products, information, and technology of the Texas Department of Health.

HB 1525, Relating to voter authorization for additional projects by certain economic development corporations.

HB 1720, Relating to a disqualification of eligibility for unemployment compensation benefits for periods of partial unemployment caused by a reduction in hours as a result of misconduct.

HB 1880, Relating to the authority of the attorney general to negotiate with other nations regarding the enforcement of child support and child custody orders.

SB 203, Relating to the provision of health care to an inmate confined in a facility operated by or under contract with the Texas Department of Criminal Justice.

(Committee Substitute)

Respectfully,

/s/Sharon Carter, Chief Clerk House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 163 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 163, Relating to coverage under health benefit plans for certain supplies and services associated with the treatment of diabetes.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 163 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 163 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 163 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 527 ON THIRD READING

Senator Patterson moved that the regular order of business be suspended and that CSSB 527 be placed on its third reading and final passage.

CSSB 527, Relating to prohibiting employment discrimination against certain peace officers for refusing to take a polygraph examination.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Patterson, Shapleigh, Truan, Wentworth, Zaffirini.

Nays: Bivins, Fraser, Nelson, Ogden, Ratliff, Shapiro, Sibley, West.

Absent: Whitmire.

CSSB 527 was read third time and was passed by the following vote: Yeas 16, Nays 14.

Yeas: Armbrister, Barrientos, Cain, Carona, Ellis, Gallegos, Galloway, Lindsay, Lucio, Luna, Madla, Ogden, Patterson, Shapleigh, Truan, Zaffirini.

Nays: Bivins, Brown, Duncan, Fraser, Harris, Haywood, Moncrief, Nelson, Nixon, Ratliff, Shapiro, Sibley, Wentworth, West.

Absent: Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 133 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 133, Relating to the placement of a student in an alternative education program.

The bill was read second time.

(Senator Ratliff in Chair)

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 133 as follows:

- 1. Add the following at the end of SECTION 1 of the bill, in Section 37.006, Education Code:
- (g) Upon receipt of notice under Subsection (g), Article 15.27, Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the alternative education program. The student may not be returned to the regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue

the student's placement in the alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

- (h) The student or the student's parent or guardian may appeal the superintendent's decision under Subsection (g) of this section to the board of trustees. The student may not be returned to the regular classroom pending the appeal. The board shall, at the next scheduled meeting, review the notice provided under Subsection (g), Article 15.27, Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the superintendent or superintendent's designee, and confirm or reverse the decision under Subsection (g) of this section. The board shall make a record of the proceedings. If the board confirms the decision of the superintendent or superintendent's designee, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner under Subsection (i) of this section.
- (i) The decision of the board of trustees under Subsection (h) of this section may be appealed to the commissioner as provided by Sections 7.057 (b), (c), (d) and (f) of this title. The student may not be returned to the regular classroom pending the appeal.
- 2. Strike SECTION 3 of the bill and substitute the following: SECTION 3. Subsection (g), Article 15.27, Code of Criminal Procedure, is amended to read as follows:
- (g) On receipt of notice under this article, a school official may take the precautions necessary to prevent further violence in the school, on school property, or at school sponsored or school related activities on or off school property, but may not penalize a student solely because a notification is received about the student. The office of the prosecuting attorney or the office or official designated by the juvenile court shall, within two working days, notify the school district that removed a student to an alternative education program under Section 37.006, Education Code, if:
- (1) prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or
- (2) the court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 2

Amend CSSB 133 as follows:

Add the following in SECTION 2 of the bill, in Article 15.27(a), Code of Criminal Procedure, after "day." on line 2-27:

"The superintendent shall promptly notify all instructional and support personnel who have responsibility for supervision of the student."

The amendment was read and was adopted by a viva voce vote.

CSSB 133 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 133 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 133 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 133 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 609 ON SECOND READING

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 609, Relating to the regulation of pharmacies and pharmacists; providing a penalty.

The bill was read second time.

Senator Madla offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 609 as follows:

In Section 21 of the bill strike Subsection (h) in its entirety and substitute the following:

(h) No written prescription issued by a practitioner, as such term is defined in Section 5(39)(A) of this Act, may be dispensed unless it is ordered on a form containing two signature lines of equal prominence, side by side, at the bottom of the form. Under either signature line shall be printed clearly the words "product selection permitted," and under the other signature line shall be printed clearly the words "dispense as written." The practitioner shall communicate dispensing instructions to the pharmacist by signing on the appropriate line. If the practitioner's signature does not clearly indicate that the prescription must be dispensed as written, generically equivalent drug selection is permitted. No prescription form furnished a practitioner shall contain a preprinted order for a drug product by brand name, generic name, or manufacturer.

The committee amendment was read and was adopted by a viva voce vote.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 1

Amend SB 609 as follows:

- (1) On page 11, strike lines 46 through 51
- (2) On page 11, line 46, insert the following:
- "(a) A person who violates the license requirements of this Act is liable to the state for a civil penalty of up to \$1,000 for each day the violation continues.

- (b) At the request of the Board, the attorney general shall institute an action to collect a civil penalty from a person who has violated this Act, or rules adopted under this Act.
- (c) If the attorney general fails to take action within 30 days of referral from the board, the board shall refer the case to the local district attorney, county attorney, or city attorney. The district attorney, county attorney or city attorney shall file suit in a district court to collect and retain the penalty."

The amendment was read and was adopted by a viva voce vote.

SB 609 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 609 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 609 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 609 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 445 ON SECOND READING

On motion of Senator Haywood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 445, Relating to the status of certain oil and gas workers or services providers as independent contractors.

(Senator Truan in Chair)

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 445 ON THIRD READING

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 445 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Moncrief.

CSSB 445 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as "Present-not voting" on the final passage of the bill.

(President in Chair)

RECESS

On motion of Senator Truan and by unanimous consent, the Senate at 11:59 a.m. recessed until 1:00 p.m. today.

AFTER RECESS

The Senate met at 1:00 p.m. and was called to order by Senator Ratliff.

SENATE BILL 532 REREFERRED

On motion of Senator Nixon and by unanimous consent, SB 532 was withdrawn from the Committee on Finance and was rereferred to the Committee on State Affairs.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER Austin, Texas Wednesday, April 9, 1997

The Honorable President of the Senate Senate Chamber Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 749, Relating to the discharge of criminal proceedings because of delay in prosecution.

SB 616, Relating to the standards of conduct for former directors, officers, and employees of a nonprofit corporation under contract to invest the permanent university fund or certain other university funds; providing a penalty.

Respectfully,

/s/Sharon Carter, Chief Clerk House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 1512 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engressment:

CSSB 1512, Relating to the provision of utility service in economically distressed areas.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 1512 as follows:

- On page 1, line 7, strike "Subsection (e)" and insert "Subsections (1) (e), (f), (g), and (h)".
- (2) On page 2, line 3, delete "(4) A certificate has been issued by the municipal authority that the land:" and insert "(4) The municipal authority responsible for approving plats issues a certificate stating that:".

On page 2, line 5, insert "the land" after "(A)" and before "before (3) September 1, 1995".

- On page 2, line 8, insert "the land" after "(B)" and before "is located (4) in a subdivision"
- (5) On page 2, line 10, insert "the land" after "(C)" and before "is located outside the limits".

On page 2, line 11, delete "and". (6)

(7) On page 2, line 12, insert "the land" after "(D)" and before "is located in an "affected county".

(8) On page 2, line 13, delete "." and replace it with ": and".

- On page 2 line 16, before "(d)" insert "(E) Construction of a residence, evidenced by at least the existence of a completed foundation or an equivalent structure for a pier and beam home, was begun on or before May 1, 1997. Foundation means the lowest division of a residence, usually consisting of a masonry slab or a pier and beam structure, that is partly or wholly below the surface of the ground and on which the residential structure rests."
- (10) On page 2, line 19, after "the land's", delete the quotations around the word <u>subdivider</u> and delete ", as that term is defined by Section 232.021,".
- (11) On page 2, line 21, delete "in" after "described" and replace it with "by".
- (12) On page 2, line 22, after "Subsection (c)(4)" place a "." and delete "of this section. To obtain such a certificate, the person requesting service must provide to the municipal authority either:".
- (13) On page 2, line 24, after "either:" insert "(e) A person requesting service may obtain a certificate under Subsection (c)(4) only if the person provides to the municipal authority responsible for approving plats either:

(14) On page 2, line 25, delete "(A)" and insert "(1)."

(15) On page 2, line 27, after the "person" insert "requesting service".
(16) On page 2, line 27, delete "or" and insert "and".

(17) On page 2, line 27, after "or" insert "(2) a notarized affidavit by the person requesting service that states that construction of a residence evidenced by at least the existence of a completed foundation or an equivalent structure for a pier and beam home, was begun on or before May 1, 1997; or."

(18) On page 3, line 1, delete "(B)" and insert "(3)."

(19) On page 3, line 1, after "affidavit" inserting "by the person requesting service". On page 3, line 2, after "to the person" insert

"requesting service".

- (20) On page 3, line 3, after "1995" insert "and that construction of a residence, evidenced by at least the existence of a completed foundation or an equivalent structure for a pier and beam home, was begun on or before May 1, 1997."
 - (21) On page 3, line 9, delete " (\underline{e}) and insert " (\underline{f}) .

(22) On page 3, line 9, after "municipal authority" insert "responsible

for approving plats".

- (23) On page 3, line 12, after "service." insert "(g) This section may not be construed to abrogate any civil or criminal prosecution or to waive any penalty against a subdivider for a violation of a state or local law, regardless of the date on which the violation occurred."
- "(h) In this section, "subdivider" has the meaning assigned by Section 232.021."
 - (24) On page 4, line 1, delete the "s" at the end of "services."
 - (25) On page 4, line 9, delete the word "if" and substitute "states that".
 - (26) On page 4, line 15, delete the "." insert "; and." after "service".
- (27) On page 4, line 16, before "(d)" insert a new section (c)(3) to read as follows "(3) construction of a residence, evidenced by at least the existence of a completed foundation or an equivalent structure for a pier and beam home, was begun on or before May 1, 1997. Foundation means the lowest division of a residence, usually consisting of a masonry slab or a pier and beam structure that is partly or wholly below ground and on which the residential structure rests."
- (28) On page 4, line 21, after "(c)" place a "." and delete the rest of the section.
- (29) On page 4, line 24, before "(A)," insert a new section (e) to read as follows: "(e) A person requesting service may obtain a certificate under Subsection (c) only if the person provides to the commissioners court either:".
- (30) On page 4, line 24, delete "(A)" and insert "(1)". On page 4, line 26, delete "or" and insert "and" after "July 1, 1995;".
- (31) On page 4, line 27, before "(B)", insert a new section (2) to read as follows: "(2) a notarized affidavit by the person requesting service that states that construction of a residence evidenced by at least the existence of a completed foundation or an equivalent structure for a pier and beam home, was begun on or before May 1, 1997; or".
- (32) On page 4, line 27, delete "(B)" and insert "(3)". On page 4, line 27, after the word "affidavit" insert "by the person requesting service".
- (33) On page 5, line 1, delete the "." after "1995" and add "and that construction of a residence, evidenced by at least the existence of a completed foundation or an equivalent structure for a pier and beam home, was begun on or before May 1, 1997."
 - (34) On page 5, line 2, delete "(e)" and insert "(f)".
- (35) On page 5, line 6, after "service." insert a new section (g) to read as follows: "(g) This section may not be construed to abrogate any civil or criminal prosecution or to waive any penalty against a subdivider for a

violation of a state or local law, regardless of the date on which the violation occurred."

(36) On page 5, line 6, after "service." delete the strikeout of the rest of the section and insert "(h)" before "The prohibition".

The amendment was read and was adopted by a viva voce vote.

CSSB 1512 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1512 ON THIRD READING

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1512 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 1512 was read third time and was passed by a viva voce vote.

SENATE BILL 63 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 63, Relating to the recommendations of certain local officials regarding the issuance of permits by the Texas Alcoholic Beverage Commission.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend SB 63 as follows:

(1) In SECTION 1, Subsection (a), Section 11.41, Alcoholic Beverage Code, strike "shall" and insert "may [shall]".
 (2) In SECTION 1, Subsection (a), Section 11.41, Alcoholic Beverage

(2) In SECTION 1, Subsection (a), Section 11.41, Alcoholic Beverage Code, strike "city council members or commissioners," and substitute "the city council member or commissioner who represents the area in question.".

(3) In SECTION 1, Subsection (a), Section 11.41, Alcoholic Beverage Code, strike "county commissioners," and substitute "the county commissioner who represents the area in question,".

The amendment was read and was adopted by a viva voce vote.

SB 63 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 63 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 63 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 63 was read third time and was passed by a viva voce vote.

SENATE BILL 191 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 191, Relating to the recommendations of certain local officials regarding the issuance of licenses to sell beer at retail.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend SB 191 as follows:

- (1) In SECTION 1, Subsection (c), Section 61.32, Alcoholic Beverage Code, strike "shall" and insert "may [shall]".
- (2) In SECTION 1, Subsection (c), Section 61.32, Alcoholic Beverage Code, strike "commissioners" and substitute "commissioner who represents the area in question".
- (3) In SECTION 1, Subsection (c), Section 61.32, Alcoholic Beverage Code, strike "members or commissioners," and substitute "member or commissioner who represents the area in question,".

The amendment was read and was adopted by a viva voce vote.

SB 191 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 191 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 191 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 191 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 657 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 657, Relating to the creation of intermunicipal commuter rail districts; granting authority to issue bonds and power of eminent domain.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 657 as follows:

On page 1, line 60, strike "member appointed by" and replace with "one elected member of the governing body of'"

On page 1, line 63 between "one" and "member" insert "elected".

On page 1 beginning on line 63 strike "each creating municipality to represent".

On page 1, line 64 strike the second "the" and replace it with "a creating".

On page 2, line 12 after the word "board" insert "and who shall be an elected official of one of those municipalities"

On page 2, line 37, delete "A district has perpetual succession."

On page 2, line 38, delete replace the comma with a period and strike "under but is not abolished that chapter."

On page 3, line 13, between the words "department" and "or" insert "Metropolitan Transit Authority".

On page 3, line 16, delete the word "railroad" and substitute the word "system".

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 2

Amend CSSB 657 by adding the following new Section 8:

- Sec. 8. TRANSPORTATION INFRASTRUCTURE. (a) This section applies only to a local government, which is a member of a district, other than a school district. that is authorized to impose ad valorem taxes on real property.
- (b) A district may enter into an interlocal contract with a local government member for the financing of transportation infrastructure that is constructed or that is to be constructed in the territory of the local government by the district.
 - (c) The agreement must include:
 - (1) the duration of the agreement;
- (2) a description of each transportation infrastructure project or proposed project;
 - (3) a map showing the location of each project; and
 - (4) an estimate of the cost of each project.
- (d) the agreement may establish one or more transportation infrastructure zones. The district and the local government may agree that at one or more specified times, the local government will pay to the district an amount that is calculated on the basis of increased ad valorem tax collections in a zone that are attributable to increased values of property located in the zone resulting from an infrastructure project. The amount may not exceed an amount that is equal to 30 percent of the increase in ad valorem tax collections for the specified period.
 - (e) Money received by the district under this section may be used:
- (1) to provide a local match for the acquisition of right-of-way in the territory of the local government; or
- (2) for design, construction, operation, or maintenance of transportation facilities in the territory of the local government.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 3

Amend CSSB 657 by adding a new Section 9 to read as follows:

Sec. 9. SALES AND USE TAXES. A district shall collect or cause to be collected sales and use taxes on items sold on district property. The sales and use tax shall be collected at the rate of the highest combination of state and local sales and use taxes imposed in any local governmental jurisdiction which is a member of a district. After deducting the state share of sales and use taxes, the Comptroller shall remit to a district the local sales and use tax collected on a district's property.

The amendment was read and was adopted by a viva voce vote.

CSSB 657 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 657 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 657 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 657 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 850 ON SECOND READING

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 850, Relating to the student union building fees at The University of Texas at San Antonio.

The bill was read second time.

Senator Luna offered the following amendment to the bill:

Floor Amendment No. 1

Amend SB 850 as follows:

In Sec. 54.532(c), line 1-47, replace or with and.

The amendment was read and was adopted by a viva voce vote.

SB 850 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 850 ON THIRD READING

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 850 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 850 was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1173 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1173, Relating to holding at the same time more than one office of municipal judge filled by appointment.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1173 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1173 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 1173 was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 36 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSJR 36, Proposing a constitutional amendment to allow a person who holds the office of municipal court judge to hold more than one civil office of emolument at the same time.

The resolution was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 36 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSJR 36 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSJR 36 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 338 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment: SB 338, Relating to Texas Higher Education Coordinating Board contracts with Texas Chiropractic College and Parker College of Chiropractic.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 338 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 338 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 338 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1915 REREFERRED

On motion of Senator Sibley and by unanimous consent, SB 1915 was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Economic Development.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held upon recess tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MEMORIAL RESOLUTION

HCR 127 - (Carona): In memory of Officer Michael David Moore of Garland.

CONGRATULATORY RESOLUTIONS

- SR 462 by Ogden: Congratulating the Old Baptist Church Preservation Society at Bedias.
- SR 465 by Shapleigh: Congratulating Katherine Brennand of El Paso.
- SR 466 by Shapleigh: Congratulating Carolyn Laura Partee Parker of El Paso.
- SR 467 by Shapleigh: Congratulating Patricia T. Castiglia of El Paso.
 - SR 468 by Shapleigh: Congratulating Mary A. Lacy of El Paso.
 - SR 469 by Shapleigh: Congratulating Myrna J. Deckert of El Paso.
- SR 470 by Barrientos: Congratulating Agnes Theresa and Fred H. Goodnight, Jr., of Austin.
 - SR 472 by Ellis: Congratulating Charley Porter Pettis.

MISCELLANEOUS RESOLUTIONS

SR 463 - by Shapleigh: Honoring the memory of Rufina Eva Ducre of El Paso as she is inducted into the El Paso Commission for Women Hall of Fame.

SR 464 - by Shapleigh: Honoring the memory of Sue Cardwell Turner of El Paso as she is inducted into the El Paso Commission for Women Hall of Fame.

ADJOURNMENT

On motion of Senator Truan, the Senate at 1:52 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 9, 1997

CRIMINAL JUSTICE — SB 68, SB 123, SB 710, SB 1579

ADMINISTRATION — SCR 46, SB 1751 (Amended, Ordered Not Printed), SB 1807 (Amended, Ordered Not Printed)

JURISPRUDENCE — SB 883

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 1060 (Amended), CSSB 1108

JURISPRUDENCE — CSSB 416, SB 970, SB 1007, SB 1098, SB 1184, SB 1528 (Amended), SB 1530, SB 1614

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — CSSB 1127 HEALTH AND HUMAN SERVICES — SB 1313

FINANCE — CSSJR 33, SB 184 (Amended), CSSB 576, CSSB 606, CSSB 781, CSSB 987, SB 1266 (Amended), CSSB 1485, CSSB 1502, CSSB 1778, CSSB 1779

NATURAL RESOURCES — SB 1175

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — CSSB 227 JURISPRUDENCE — SJR 23, SJR 26, CSSB 409, CSSB 179, CSSB 507, CSSB 620, SB 628, CSSB 743

SENT TO GOVERNOR

April 9, 1997

SB 504

